#### SUMMARY REPORT OF INVESTIGATION

### I. EXECUTIVE SUMMARY

Date of First Incident:	February 2, 2018
Time of First Incident:	8:53 pm
Location of First Incident:	A traffic stop at
Date of Second Incident:	March 1, 2018
Time of Second Incident:	9:35 am
Location of Second Incident:	Execution of Search Warrant ( ) at
Date of Third Incident:	April 11, 2018
Time of Third Incident:	3:49 pm
Location of Third Incident:	Execution of Search warrant ( ) at
Date of COPA Notification:	April 18, 2018
Time of COPA Notification:	11:55 am
warrants on the complainant, activity. During the execution of the cocaine, and narcotics paraphernal recovered narcotics. In his statement narcotics paraphernalia but alleged of the Team. Additionally, subjected to a pattern of harassment During this investigation Comparison of the Team.	E-4 Narcotics Team (the Team) obtained and executed search and his various residences for alleged narcotics hese warrants, the Team recovered cannabis, Ecstasy, heroin, lia. was arrested and charged with possession of the ent to COPA, admitted ownership of the cannabis and that the Ecstasy, heroin, and cocaine were planted by members alleged that between February and March of 2018, he was to by various members of the Chicago Police Department.  OPA located four instances of various CPD Members stopping the of 2018. Based on a review of all four interactions, COPA interaction warranted allegations.  Solvential Science Scien
Involved Officer #1:	Police Officer Star# / Employee ID# Date of Appointment 2015
<sup>1</sup> The three additional interactions	had with CPD were all based on dispatched calls for service related to

The three additional interactions had with CPD were all based on dispatched calls for service related to firearms. During two of the interactions consented to a search of his person. For the remaining interaction was the driver of a vehicle that was reported to contain firearms. Based on the information contained within the Event Queries, Investigatory Stop Reports, and admitted criminal activity COPA does not believe these interactions constitute harassment or misconduct. Att. 25.

	Unit Date of Birth 1989 Male / White
Involved Officer #2:	Police Officer  Star# / Employee ID# 2015  Unit Date of Birth , 1992  Male / White
Involved Officer #3:	Police Officer Star# / Employee ID# Date of Appointment , 2013 Unit Date of Birth , 1981 Male / White
Involved Officer #4:	Police Officer Star# / Employee ID# Date of Appointment , 2013 Unit  1982 Male / Hispanic
Involved Officer #5:	Police Officer Star# / Employee ID# Date of Appointment Unit Date of Birth , 1961 Female / Black
Involved Officer #6:	Police Officer Star# / Employee ID# Date of Appointment Unit Date of Birth J 1963 Male / White
Involved Officer #7:	Police Officer Star# Employee ID# Date of Appointment Date of Birth Male / Hispanic  Police Officer  Star#

Involved Officer #8:	Police Officer Star# / Employee ID# 8 Date of Appointment , 2005 Unit Date of Birth , 1981
Involved Individual #1:	Female / White  Date of Birth 1984  Male / Black

## III. ALLEGATIONS

Officer	Allegation	Finding
Officer	It is alleged that during the first incident, that Officer  1. Unlawfully detained , in violation	Exonerated.
	of Rule 6.  2. Unlawfully detained, in	Exonerated.
	<ul><li>violation of Rule 6.</li><li>3. Unlawfully detained in violation of Rule 6.</li></ul>	Exonerated.
	4. Unlawfully searched, in violation of Rule 6.	Exonerated.
	5. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the first incident, that Officer	
	1. Unlawfully detained, in violation of Rule 6.	Exonerated.
	2. Unlawfully detained violation of Rule 6.	Exonerated.
	3. Unlawfully detained, in violation of Rule 6.	Exonerated.
	4. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the first incident, that Officer:	

,	1. Unlawfully detained of Rule 6.	Exonerated.
	2. Unlawfully detained violation of Rule 6.	Exonerated.
	3. Unlawfully detained, in violation of Rule 6.	Exonerated.
	4. Unlawfully searched in violation of Rule 6.	Exonerated.
	5. Unlawfully searched violation of Rule 6.	Exonerated.
	6. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the first incident, that Officer  1. Unlawfully detained in violation of Rule 6.	Exonerated.
	2. Unlawfully detained in violation of Rule 6.	Exonerated.
	3. Unlawfully detained in violation of Rule 6.	Exonerated.
	4. Unlawfully searched, in violation of Rule 6.	Exonerated.
	5. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the second incident, that Officer:  1. Planted narcotics inside , in violation of Rule 2.	Not Sustained.
Officer	It is alleged that during the third incident, that Officer:  1. Planted narcotics inside in violation of Rule 2.	Not Sustained.
Officer	It is alleged that during the third incident, that Officer:  1. Unlawfully arrested in violation of Rule 6.	Exonerated.

Officer	It is alleged that during the third incident, that Officer:  1. Unlawfully arrested in violation of Rule 6.	Exonerated.
IV. APPLICA	ABLE RULES AND LAWS	
Rules		
its policy and goa	any action or conduct which impedes the Department's efforal or brings discredit upon the Department.  disobedience of an order or directive, whether written or oral	
General Orders		
1. G06-01-01: Field	l Arrest Procedures, effective December 8, 2017	
Special Orders		
1. S04-13-09: Inves	stigatory Stop System, effective July 10, 2017	
V. INVESTI	GATION <sup>2</sup>	
a. Interv	iews <sup>3</sup>	
i.	Complainant's Statement	
February and March	of 2018 he was subjected to a pattern of harassment by various form of traffic stops and search warrants. <sup>5</sup>	that between us unidentified
the detained place, place a search warrant (was to observed officers ent	hat, on March 1, 2018, CPD officers conducted a traffic stop and ordered him to exit the van. Once out of the value of him in the rear of a marked CPD vehicle, and informed him for his person and residence located on the second flar ransported to the transported to the transported to the transported to the search warrant. The transported to the various narcotics paraphernalia recovery	in, the officers in that they had loor of vehicle as he itted to selling
<sup>2</sup> COPA conducted a thor gathered and relied upon i	rough and complete investigation. The following is a summary of the r n our analysis.	naterial evidence

<sup>&</sup>lt;sup>4</sup> Atts. 6 and 70. did not provide any description of the traffic stop on February 2, 2018, which COPA discovered via the investigation.

made allegations related to four search warrants. had no direct knowledge of and was not the target of two of the search warrants, therefore COPA does not believe the execution of those warrants constitute harassment of

<sup>&</sup>lt;sup>6</sup> Pg. 21, Line 7 of Att. 70. <sup>7</sup> Pg. 20, Lines 12 – 24 of Att. 70

execution of search warrant, but he alleged that the Ecstasy recovered was planted by a CPD officer.

Additionally, stated that on April 11, 2018, he was at when CPD officers stopped him, detained him, transported him to and informed him they had a search warrant (state) to search his person and the residence at that address.

Emained in the CPD vehicle and observed the officers entered to search.

alleges that he does not live at the residence and that the heroin and cocaine recovered were

#### ii. Officers' Statements about the First Incident – February 2, 2018

In a statement to COPA° on July 6, 2018, Witness Sergeant statement, stated that
on numerous occasions he has received information from a Confidential Informant about a black
male at known as "selling cannabis and possessing firearms. Sgt.
explained that on February 2, 2018, he received information from the Confidential Informant that
would be exiting , armed with a firearm, and entering a vehicle. Sgt.
could not recall what, if anything, the Confidential Informant said about how he knew this
information. Sgt. contacted a member of a District Tactical Team and relayed this
information. Sgt. could not recall the exact details of the conversation he had with the
Tactical Team or which member of the team he spoke to; however, he recalled relaying that an
armed black male would be exiting and entering a vehicle.
Finally, Sgt. added that he considered the Confidential Informant highly credible

Finally, Sgt. added that he considered the Confidential Informant highly credible because the Informant seemed to provide firsthand knowledge of activity. Sgt. explained that the Informant would provide contemporaneous information related to narcotics and firearm possessions. Sgt. recounted a phone call in which the Informant stated, in a hushed tone, "I seen the drugs now. I just stepped out. I gotta go back in."

In a **statement to COPA**<sup>11</sup> on June 21, 2018, **Accused Officer**, stated that on February 2, 2018, he received a telephone call from Sgt., during which Sgt. informed him an armed accompanied by other males, would be leaving entering a silver. After receiving the information form Sgt., Officer provided the information to Officers, and (collectively "the Officers"). All four of the Officers went to the analysis where they observed an unoccupied silver parked near and that he was a convicted felon. The Officers began surveillance on the SUV.

While conducting surveillance on the vehicle, the Officers observed three black males exit and enter the SUV. Officer estimated that he and Officer were

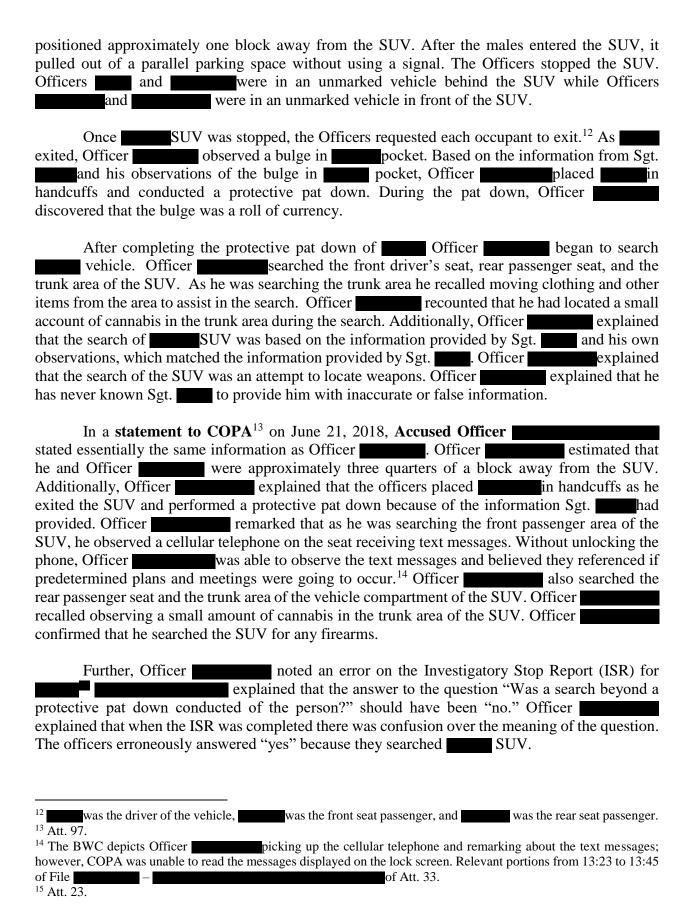
planted by a CPD officer.

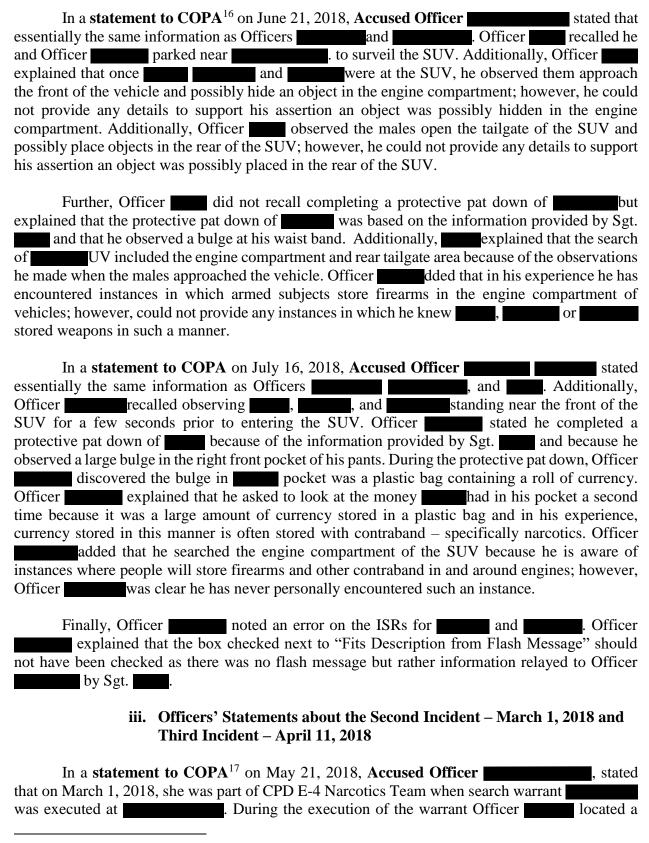
<sup>&</sup>lt;sup>8</sup> Atts. 100 and 101

<sup>&</sup>lt;sup>9</sup> Sgt. explained that due the passage of time he could not recall the name of the black male. In the Complaint for Search Warrant is identified with an Also Known As name of 50. Pgs. 38 and 39 of Att. 13.

<sup>&</sup>lt;sup>10</sup> Relevant portions at 00:43 of Att. 101

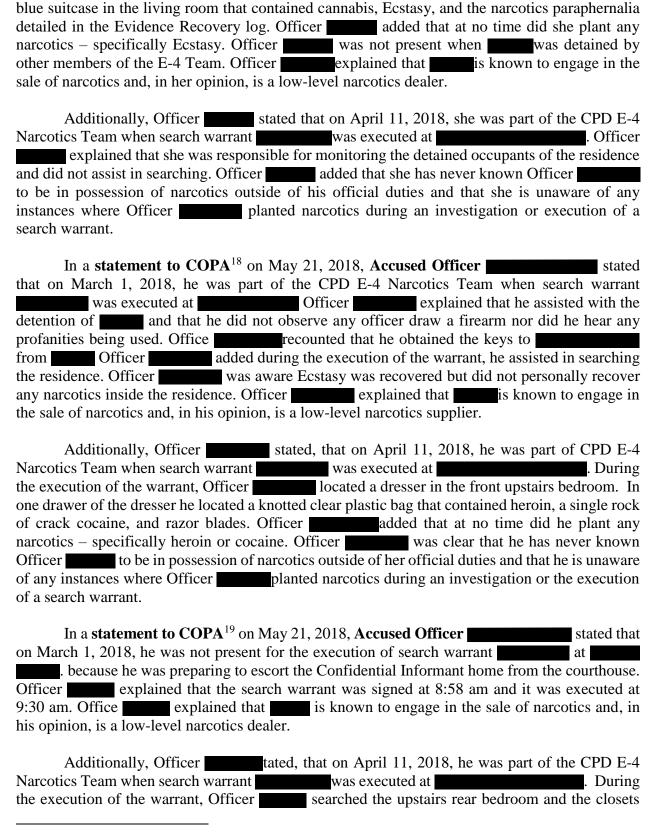
<sup>&</sup>lt;sup>11</sup> Att. 93





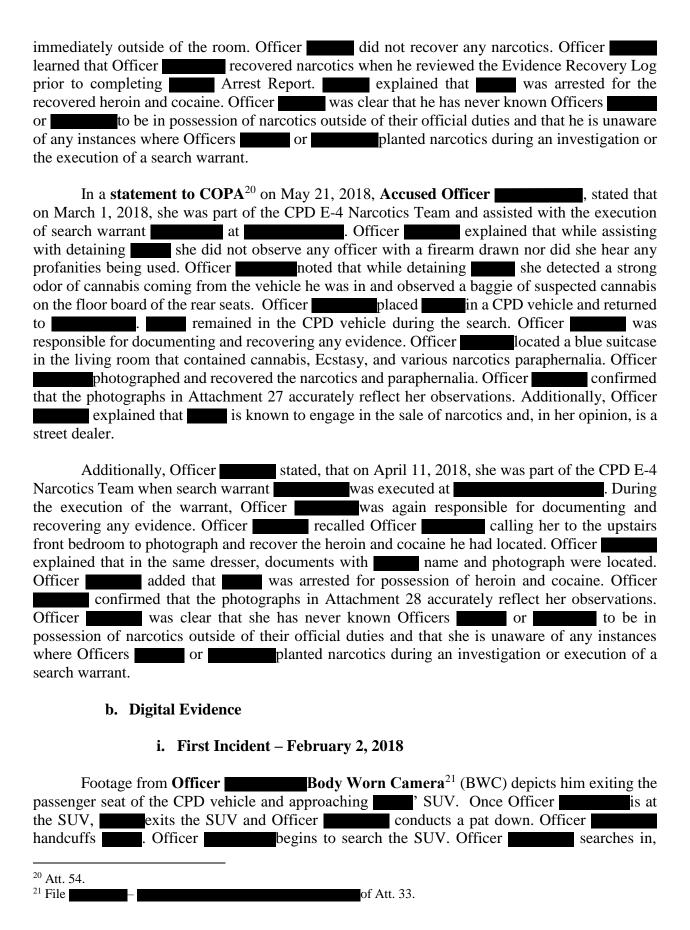
<sup>&</sup>lt;sup>16</sup> Att. 89.

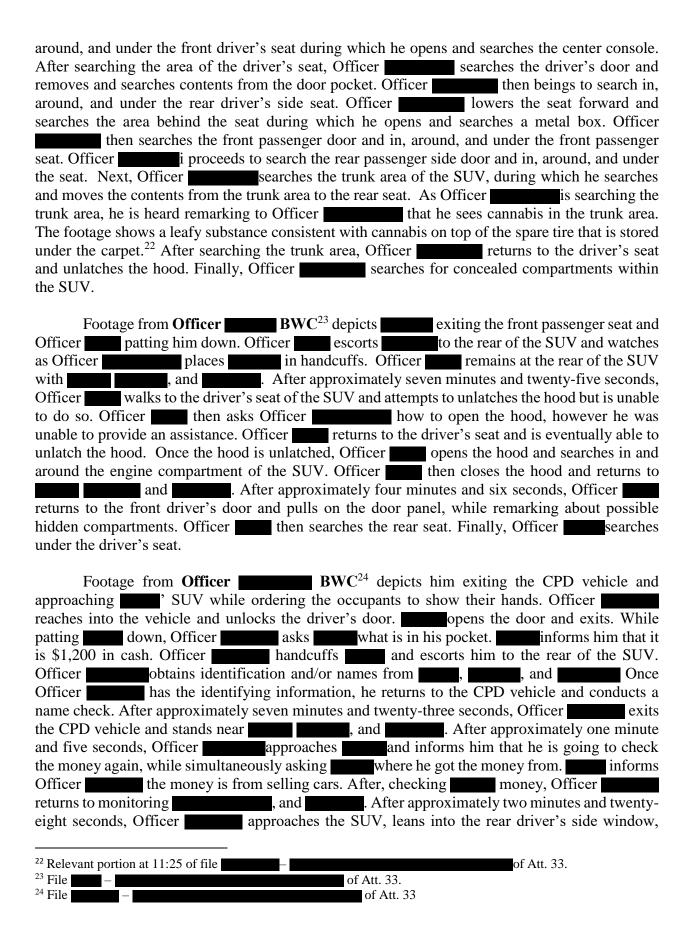
<sup>&</sup>lt;sup>17</sup> Att. 42.

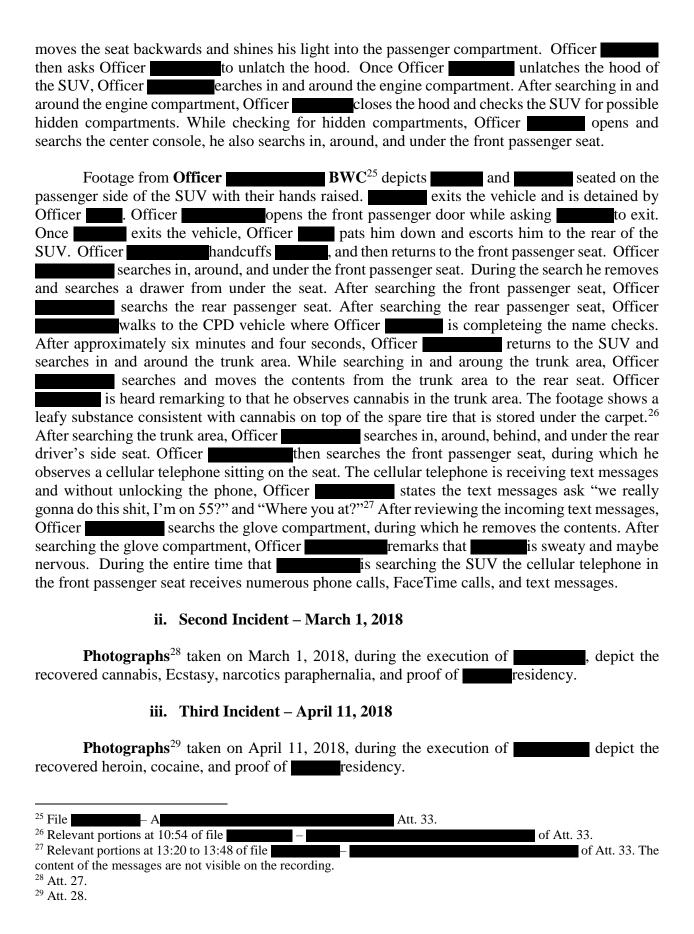


<sup>&</sup>lt;sup>18</sup> Att. 46.

<sup>&</sup>lt;sup>19</sup> Att. 50.







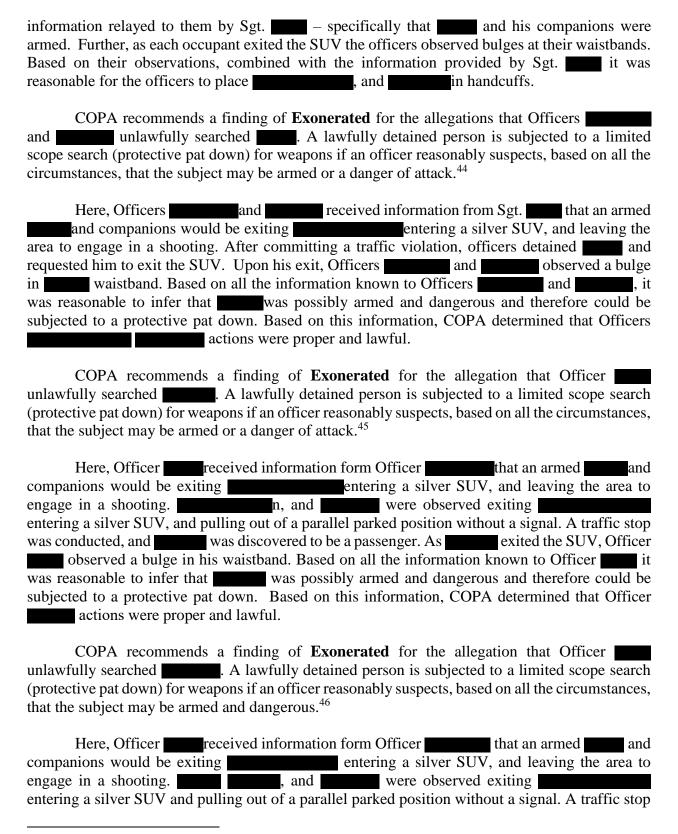
## c. Documentary Evidence

## i. First Incident – February 2, 2018

Investigatory Stop Reports <sup>30</sup> detail that Officers , , , and (the Officers), received information from a Confidential Informant that a was occupied by and other males ( and ), and that the occupants were armed. The Officers stopped a SUV matching the description after observing it fail to signal when pulling out of a parallel parking spot. The Officers requested that all the occupants exit the SUV. When exited, the Officers observed a large bulge in the front pocket of pants, and bulges in the pants of and Based on the information provided by the Confidential Informant and their own observations, the Officers completed protective pat downs of and and searched the SUV for weapons. After completing the searches, the Officers provided a Stop Receipt, however and refused a Stop Receipt. All three males were released.
ii. Second Incident – March 1, 2018
A Complaint for Search Warrant <sup>31</sup> and Search Warrant was selling cannabis from the second-floor northern apartment of sought and was granted a search warrant. The warrant authorized the search of and the second-floor northern apartment of for cannabis, any paraphernalia used in the weighing, cutting or mixing of illegal drugs, any money, and any records detailing illegal drug transactions.
A Narcotic's Division Supplementary Report under diving from while speaking to him detected a strong odor of cannabis. Officers recovered cannabis from the vehicle, detained speaking to him to once at the location, as informed of search warrant and he provided keys to the apartment. During the execution of the warrant, officers recovered items listed on the Evidence Recovery Log.
An <b>Evidence Recovery Log</b> <sup>34</sup> and <b>Inventory Reports</b> <sup>35</sup> dated March 1, 2018, detail that during the execution of officers recovered a heat sealer, boxes and rolls of packing material, scales, a shifter, a currency counter, \$2477.00, a bag of cannabis, and pills of Ecstasy.
<b>Arrest Report</b> <sup>36</sup> dated March 1, 2018, details that was arrested for possession of the cannabis and Ecstasy recovered during the execution of
<sup>30</sup> Atts. 23, 34 and 35. <sup>31</sup> Pgs. 7 and 8 of Att. 13. <sup>32</sup> Pg. 6 of Att. 13. <sup>33</sup> Pgs. 3 – 5 of Att. 13. <sup>34</sup> Pg. 10 of Att. 13. <sup>35</sup> Pgs. 11 – 23 of Att. 13. <sup>36</sup> Att. 9.

## iii. Third Incident – April 11, 2018

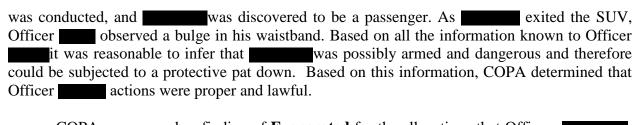
A Complaint for a Search Warrant 37 and Search Warrant 2018, detail that Officer 2018, detail th
A Narcotic's Division Supplementary Report under was standing in the street when officers executed search warrant at officers informed for the warrant and detained him. instructed the officers to knock on the front door so one of the occupants could let them inside. During the execution of the warrant officers recovered cocaine, heroin, proof of residency, and narcotics packaging material from a dresser in the second-floor front bedroom.
An <b>Evidence Recovery Log</b> <sup>40</sup> and <b>Inventory Reports</b> <sup>41</sup> dated April 11, 2018, detail that during the execution of officers recovered narcotic packaging, a bag of heroin, crack cocaine, and proof of residency.
Arrest Report <sup>42</sup> dated April 11, 2018, details that was arrested for possession of the cocaine and heroin recovered during the execution of
VI. ANALYSIS
a. Allegations Related to the First Incident – February 2, 2018
COPA recommends a finding of <b>Exonerated</b> for the allegations that Officers unlawfully detained and police officers are permitted to detain occupants of a vehicle when the vehicle is observed committing a traffic offense. Additionally, police officers are permitted to stop and detain subjects for a reasonable amount of time if the officer reasonably infers, from all the circumstances known to the officer, that the subject is about to commit, is committing, or has committed a criminal offense. As
COPA recommends a finding of <b>Exonerated</b> for the allegations that Officers and unlawfully detained and and Police officers are permitted to detain occupants of a vehicle when the vehicle is observed committing a traffic offense. Additionally, police officers are permitted to stop and detain subjects for a reasonable amount of time if the officer reasonably infers, from all the circumstances known to the officer, that the subject is about to commit, is committing, or has committed a criminal



<sup>&</sup>lt;sup>44</sup> 725 ILCS 5/108-1.01

<sup>&</sup>lt;sup>45</sup> 725 ILCS 5/108-1.01

<sup>&</sup>lt;sup>46</sup> 725 ILCS 5/108-1.01



COPA recommends a finding of **Exonerated** for the allegations that Officers and unlawfully searched vehicle. In accordance with *Carroll v. United States*, <sup>47</sup> peace officers are permitted to search a vehicle, without a warrant, when they possess probable cause that a vehicle contains evidence of a crime or contraband provided two factors are present. The first factor is that the vehicle is readily mobile. <sup>48</sup> The second factor is that the peace officer establish probable cause that the vehicle contains evidence of a crime or contraband sufficient enough that a magistrate could authorize a search. <sup>49</sup> Probable cause is established when "the known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that contraband or evidence of a crime will be found." <sup>50</sup> The facts and circumstances known to the officer can be established in several ways, including a tip provided by a reliable confidential informant. <sup>51</sup> Once both factors are met, a peace officer can search a vehicle as if they possessed a search warrant, which would permit a search of any area where the suspected evidence or contraband may reasonably located. <sup>52</sup>

Here, a confidential informant, who Sgt. believed was highly reliable in part because he provided contemporaneous information related to activity, provided predictive information that an armed and his companions would be exiting a silver SUV, and driving from the location. The officers located the unoccupied SUV and while confirming the SUV belong to learned was a convicted felon. The officers conducted surveillance on the SUV and observed, as predicted. , and nd approach and enter the SUV. Additionally, Officer recounted observing open the tailgate of the SUV and stand around the front of the SUV in an attempt to possibly conceal a firearm. As the SUV pulled away from the curb, the driver was observed committing a traffic violation. The officers conducted a traffic stop, requested the occupants to exit, and completed a search of the SUV. Based on the predictive information provided by the confidential informant combined with the officers' observations that confirmed substantial parts of the information provided by the confidential informant, the knowledge that was a convicted felon and the fact that the vehicle was readily mobile, COPA finds that it is more likely than not that the Officers possessed sufficient information to establish probable cause that the SUV contained evidence of a crime – specifically possession of a firearm by a convicted felon – or contraband – a firearm – and therefore were permitted to search the SUV as

<sup>&</sup>lt;sup>47</sup>267 U.S. 132 (1925) (holding that there is no requirement to obtain a warrant to search a vehicle if law enforcement has probable cause to believe that a vehicle contains evidence of a crime or contraband.)

<sup>&</sup>lt;sup>48</sup>California v. Carney, 471 U.S. 386 (1985) (finding that a vehicle must only be capable of movement and that movement is not necessary.)

<sup>&</sup>lt;sup>49</sup>United States v. Ross, 456 U.S. 798, 823 (1982) (finding that "the prior approval of the magistrate is waived" but that the search must be of a nature that a magistrate could authorize.)

<sup>&</sup>lt;sup>50</sup> Ornelas v. United States, 517 U.S. 690, 696 (1996)

<sup>&</sup>lt;sup>51</sup> Maryland v. Dyson, 527 U.S. 465 (1990)

<sup>&</sup>lt;sup>52</sup> Cooper v. California, 386 U.S. 58, 59 (1967) (holding that a warrantless search of a vehicle, as permitted by Carroll, permits a "search of every part of the vehicle and its contents that many conceal the object of the search.")

if they had a search warrant in accordance with Carroll. Thus, COPA finds, that the search of vehicle was lawful and proper.

### b. Allegations Related to the Second Incident – March 1, 2018

COPA recommends a finding of <b>Not Sustained</b> for the allegation that Officer
planted narcotics inside . During his statement, to COPA, admitted he sells
cannabis. also admitted ownership of the recovered cannabis and narcotics paraphernalia.
During the execution of search warrant Officer located cannabis, Ecstasy, and
narcotics paraphernalia all within a blue suitcase located inside Additionally,
Officer confirmed and documented, with photographs and on the evidence recovery log,
where the cannabis, Ecstasy, and narcotics paraphernalia was located prior to recovery. Further,
COPA did not locate any evidence, other than claims, that demonstrated CPD officer
planted additional narcotics – specifically Ecstasy – inside However, there is not
clear and convincing evidence to demonstrate that this did not occur. <sup>53</sup>
c. Allegations Related to the Third Incident – April 11, 2018
COPA recommends a finding of <b>Not Sustained</b> for the allegation that Officer
planted narcotics inside admitted admitted
to selling cannabis but denied being in possession of heroin or cocaine. Additionally, denied
residing inside wever, during the execution of search warrant
, heroin, cocaine, narcotics paraphernalia, and proof of residency were all
located in or on the same dresser in the second-floor front bedroom of
Officer stated that he also located the heroin and cocaine in the dresser. Additionally,
Officer confirmed and documented, with photographs and on the evidence recovery log,
where the heroin and cocaine was located prior to recovery. Finally, COPA did not locate any
evidence, other than claims, that demonstrated any CPD Officer planted narcotics –
specifically heroin or cocaine – inside
convincing evidence to demonstrate that this did not occur.
COPA recommends a finding of <b>Exonerated</b> for the allegations that Officers and
unlawfully arrested . A police officer may arrest a person when s/he has probable
cause to believe that the person has committed an offense. <sup>54</sup>
Here, Officer and arrested for possession of the heroin and cocaine
recovered during the execution of search warrant This decision was based on the
information that heroin, cocaine, and proof of residency were all located in or on the same
dresser inside the second-floor front bedroom of . Therefore; COPA finds,
based on the evidence, Officers and decisions to arrest was reasonable
and lawful.

 $<sup>^{53}</sup>$  For example, there is no BWC footage showing the officers recovering the narcotics.  $^{54}$  725 ILCS 5/107-2(1)(c)

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer	It is alleged that during the first incident, that Officer  1. Unlawfully detained, in violation of Rule 6.	Exonerated.
	2. Unlawfully detained in violation of Rule 6.	Exonerated.
	3. Unlawfully detained, in violation of Rule 6.	Exonerated.
	4. Unlawfully searched <b>Rule</b> , in violation of Rule 6.	Exonerated.
	5. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the first incident, that Officer  1. Unlawfully detained, in violation of Rule 6.	Exonerated.
	2. Unlawfully detained violation of Rule 6.	Exonerated.
	3. Unlawfully detained n violation of Rule 6.	Exonerated.
	4. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the first incident, that Officer	
_	1. Unlawfully detained, in violation of Rule 6.	Exonerated.
	2. Unlawfully detained in violation of Rule 6.	Exonerated.
	3. Unlawfully detained in violation of Rule 6.	Exonerated.

	4. Unlawfully searched in violation of Rule 6.	Exonerated.
	5. Unlawfully searched violation of Rule 6.	Exonerated.
	6. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the first incident, that Officer	
	<ul><li>Unlawfully detained, in violation of Rule 6.</li></ul>	Exonerated.
	2. Unlawfully detained violation of Rule 6.	Exonerated.
	3. Unlawfully detained in violation of Rule 6.	Exonerated.
	4. Unlawfully searched , in violation of Rule 6.	Exonerated.
	5. Unlawfully searched vehicle, in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the second incident, that Officer	
	1. Planted narcotics inside violation of Rule 2.	Not Sustained.
Officer	It is alleged that during the third incident, that Officer	
	1. Planted narcotics inside	Not Systemad
Officer	in violation of Rule 2.  It is alleged that during the third incident, that Officer	Sustained.
Officer	1. Unlawfully arrested in violation of Rule 6.	Exonerated.
Officer	It is alleged that during the third incident, that Officer	
	<ul><li>Unlawfully arrested in violation of Rule 6.</li></ul>	Exonerated.

Approved:		
	July 16, 2019	
	<u></u>	
Andrea Kersten	Date	
Deputy Chief Administrator – Chief Inve	estigator	

# Appendix A

# Assigned Investigative Staff

Squad:	
Investigator:	
<b>Supervising Investigator:</b>	
<b>Deputy Chief Administrator:</b>	Andrea Kersten